

05-CV-05591-ORD

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JILL HENSLEY,

Plaintiff,

v.

UNITED HARVEST, LLC, and DOES 1-10,

Defendants.

No. C05-5591RBL

ORDER GRANTING  
DEFENDANT'S MOTION  
FOR SUMMARY  
JUDGMENT

This matter is before the Court on Defendant United Harvest's Motion for Summary Judgment [Dkt. #17]. United Harvest argues that this Court should dismiss Plaintiff Jill Hensley's Title VII claims because she failed to file these claims within 90 days. United Harvest also argues that this Court should dismiss all state claims because once the Court dismisses Plaintiff's Title VII claims, there will be no basis for supplemental jurisdiction. Plaintiff Jill Hensley has not responded to United Harvest's motion.

This Court agrees with United Harvest's arguments and GRANTS the motion [Dkt. #17] for two reasons. First, this Court assumes that Hensley admits that United Harvest's arguments have merit because Hensley failed to file a response. CR 7(b)(2) ("If [an opposing] party fails to file papers in opposition to a motion, such failure may be considered by the court as an admission that the motion has merit.") Second, even if Hensley had responded to United Harvest's motion, this Court agrees that it must dismiss Hensley's federal claims because she did not file her claims within 90 days of receiving the

1 Equal Employment Opportunity Commission's (EEOC) Notice of Right to Sue.<sup>1</sup> 42 U.S.C. § 2000e-  
2 5(f)(1); *Scholar v. Pacific Bell*, 963 F.2d 264, 266 (9th Cir. 1992), *cert. denied*, 506 U.S. 868, 113 S. Ct.  
3 196, 121 L. Ed. 2d 139 (1992) (granting summary judgment and dismissing plaintiff's claims when she  
4 filed civil action three days after 90-day statute of limitations expired).

6 IT IS SO ORDERED.

7 DATED this 2d day of May, 2006.

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11 RONALD B. LEIGHTON  
12 United States District Judge  
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<sup>1</sup>According to United Harvest's motion, Hensley received the EEOC Notice of a Right to Sue no later than June 10, 2005. She filed her complaint in this action 94 days later on September 12, 2005.